

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: David W. Farchmin  
Application No.: 10/675,535  
Filing Date: September 30, 2003  
Title: Wireless Location Based Automated Components  
Atty Docket No.: 110003.00051.03AB206  
Examiner: Jennifer L. Norton

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**REQUEST FOR CORRECTED FILING DATE OF PRE-APPEAL BRIEF REQUEST  
FOR REVIEW UNDER 37 CFR § 1.8(a)  
AND  
RECONSIDERATION OF PRE-APPEAL BRIEF REQUEST FOR REVIEW**

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

We are in receipt of a Notice of Defective Pre-Appeal Brief Request for Review mailed on February 25, 2009 for the above-identified patent application. As indicated in the Notice, the filing date awarded by the USPTO for Applicant's Pre-Appeal Brief Request for Review is the actual date of receipt, i.e., February 17, 2009.

Per 37 CFR § 1.8(a):

(1) Correspondence will be considered as being timely filed if:

(i) The correspondence is mailed or transmitted prior to expiration of the set period of time by being:

(A) Addressed as set out in § 1.1(a) and deposited with the U.S. Postal Service with sufficient postage as first class mail...and

(ii) The correspondence includes a certificate for each piece of correspondence stating the date of deposit or transmission.

Applicant's Pre-Appeal Brief Request for Review was addressed as set out in 37 CFR § 1.1(a) and personally deposited with the U.S. Postal Service with sufficient postage as first class mail by the undersigned on February 10, 2009. Further, as evidenced by the attached copy, Applicant's Pre-Appeal Brief Request for Review includes a certificate listing the date of deposit as February 10, 2009. Therefore, the facts clearly show that Applicant's Pre-Appeal Brief Request for Review is entitled to a

filing date of February 10, 2009 and thus, correction of said filing date is respectfully requested.

A Notice of Appeal was also filed on February 10, 2009 in compliance with 37 CFR § 41.31. As such, the Pre-Appeal Brief Request for Review is believed to be in compliance with the USPTO's submission requirements. This sentiment was shared by Supervisory Patent Examiner Eddie C. Lee in a teleconference with the undersigned on Tuesday, March 17, 2009. Therefore, reconsideration of Applicant's Pre-Appeal Brief Request for Review is respectfully requested.

No fee is believed due in connection with this submission. However, if any fee is deemed to be due, please charge such fee to Deposit Account No. 17-0055.

Respectfully submitted,

David W. Farchmin

Dated: March 20, 2009

By: 

Benjamin J. Peirce  
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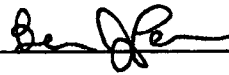
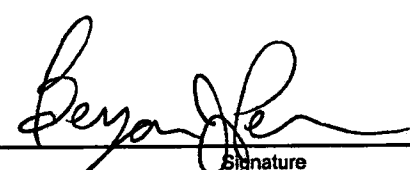
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Doc Code: AP.PRE.REQ

PTO/SB/33 (01-09)

Approved for use through 02/28/2009. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)	
<p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]</p> <p>on <u>February 10, 2009</u></p> <p>Signature <u></u></p> <p>Typed or printed <u>Benjamin J. Peirce</u> name _____</p>		Application Number	
		10/675,535	
		Filed	
		September 30, 2003	
First Named Inventor		David W. Farchmin	
Art Unit		Examiner	
2121		Jennifer L. Norton	
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal. <i>(Filed electronically)</i></p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>60,481</u></p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p> <p> Signature <u>Benjamin J. Peirce</u> Typed or printed name <u>414-277-5249</u> Telephone number <u>February 10, 2009</u> Date</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> <p><input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.</p>			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.8. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.